

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION**

SIERRA CLUB, *et al.*,

*Plaintiffs,*

v.

MICHAEL S. REGAN, in his official  
capacity as the Administrator of the  
United States Environmental Protection  
Agency,

*Defendant.*

Civ. No. 4:21-cv-06956-SBA

**THIRD STIPULATION AND ORDER TO  
ENLARGE TIME FOR DEFENDANT’S  
ANSWER AND TO CONTINUE CASE  
MANAGEMENT CONFERENCE**

Plaintiffs Sierra Club, Natural Resources Defense Council, and Environmental Integrity Project and Defendant Michael S. Regan, Administrator of the United States Environmental Protection Agency (“EPA”) (collectively, the “Parties”) stipulate as follows:

1. The Parties have reached an agreement in principle and are currently negotiating and finalizing the terms of a proposed Consent Decree.

2. Approval of any settlement on behalf of EPA requires review and approval by the authorized officials at EPA and the United States Department of Justice (“DOJ”). Approval of the settlement on behalf of Plaintiffs requires review and approval by the various decision makers within Sierra Club, Natural Resources Defense Council, and Environmental Integrity Project.

3. The Parties agree that an additional 30 days is adequate time to complete this review.

3. There have been two other time modification for this case that each extended all litigation deadlines for 60 days. Dkt. Nos. 20, 24.

4. Defendant’s response deadline is currently March 8, 2022. Dkt. No. 24. A 30-day extension would change Defendant’s response deadline to April 7, 2022.

1 5. Currently, March 25, 2022 is the Parties' last day to meet and confer regarding initial  
 2 disclosures, early settlement, ADR process selection, and a discovery plan. *Id.* A 30-day  
 3 extension would change this deadline to April 25, 2022.

4 7. The Case Management Conference for this case is currently scheduled for Thursday,  
 5 April 21, 2022 at 2:30 P.M. *Id.* The Parties request that the Court reschedule this Conference  
 6 for Thursday, May 26, 2022, or at such later time as is convenient for the Court.

7 8. This Court set April 14, 2022—seven days before the previously scheduled Case  
 8 Management Conference—as the Parties' deadline to file a Rule 26(f) Report, complete initial  
 9 disclosures or state an objection in a Rule 26(f) Report, and file a Case Management Statement.  
 10 *Id.* The Parties request that the Court reschedule this deadline for May 19, 2022.

11 8. The Parties respectfully request this Court enter this stipulation and extend all  
 12 litigation deadlines for 30 days as outlined above, and to continue the Case Management  
 13 Conference until Thursday, May 26, 2022, or at such later time as is convenient for the Court.

14 9. Pursuant to Local Civil Rule 5-1(h)(3), the undersigned counsel for Defendant attests  
 15 that the other signatories listed below concur in the filing of this document.

16  
 17 Dated: March 7, 2022

18 s/ Paul Caintic  
 19 Paul Caintic (D.C. Bar No. 1779847)  
 20 Andrew Coghlan (SBN 313332)  
 21 United States Department of Justice  
 22 Environment & Natural Resources Division  
 23 150 M Street, N.E.  
 Washington, D.C. 20002  
 Tel: (202) 514-2593  
 paul.caintic@usdoj.gov

24 *Counsel for Defendants*

25 s/ Louisa Eberle  
 26 Louisa Eberle (SBN 320803)  
 27 Sierra Club  
 28 1536 Wynkoop Street, Suite 200  
 Denver, CO 80202  
 Tel: (415) 977-5765

Respectfully submitted,

s/ Emily Davis  
 Emily Davis (SBN 314152)  
 Natural Resources Defense Council  
 111 Sutter Street, 21<sup>st</sup> Floor  
 San Francisco, CA 94104  
 Tel: (415) 875-6100  
 edavis@nrdc.org

*Counsel for Plaintiff Natural Resources  
 Defense Council*

s/ Patton Dycus  
 Patton Dycus (*pro hac vice*)  
 Environmental Integrity Project  
 315 W. Ponce de Leon Avenue, Suite 842  
 Decatur, GA 30030  
 Tel: (404) 446-6661  
 pdycus@environmentalintegrity.org

1 louisa.eberle@sierraclub.org

2 s/ Andrea Issod

3 Andrea Issod (SBN 230920)

4 Sierra Club

2101 Webster Street, Suite 1300

Oakland, CA 94612

5 Tel: (415) 977-5544

6 andrea.issod@sierraclub.org


7 *Counsel for Plaintiff Sierra Club*

*Counsel for Plaintiff Environmental  
Integrity Project*

\* \* \*

**PURSUANT TO STIPULATION, IT IS SO ORDERED.**

DATED: 3/22/2022

 RS  
Richard Seeborg for Sandra B. Armstrong  
United States District Judge